

INTERVIEW SUMMARY

On November 5, 2007, the Applicant's representative participated in a telephonic interview with Examiner peaches regarding Claims 1 and 4.

5 With regards to Claim 1, it was pointed out that the Office Action did not include any reference to the claimed element of a "client update decision subelement." Upon a review of Claim 1, **the Examiner agreed** that the Office Action did not adequately address this element and that he would provide serious consideration to a response that identified this issue.

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With regards to Claim 4, it was pointed out that the Office Action made no reference to Claim 4. In other words, while Claim 4 is still a valid and pending claim, **the Office Action did not reject, allow, or otherwise address Claim 4 at all.** Upon a review of the Office Action, **the Examiner agreed** and requested that the Applicant address this
15 issue in any response.

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REMARKS

This reply is fully responsive to the Office Action dated July 26, 2007, and is filed within four - (4) months following the mailing date of the Office Action. The Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The method of payment and fees for petition fee due in connection therewith is enclosed.

Objection/Rejection Summary

10 This application has been carefully reviewed in light of the Office Action of July 26, 2007, wherein:

- A. Claims 1, 3, 6-11, 13, 16-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Owensby (U.S. Patent No. 6,647,257, hereinafter referred to as the “Owensby patent”);
- 15 B. Claims 2, 12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of Sone et al. (U.S. Patent No. 6,424,888, hereinafter referred to as the “Sone patent”);
- C. Claims 5 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of Shojima et al. (U.S. Patent No. 6,259,990, hereinafter referred to as the “Shojima patent”); and
- 20 D. **Claim 4 was not addressed anywhere** in the Office Action.

Claim Rejections – 35 U.S.C. §102(e)

- A. Turning now to the Office Action, the Examiner rejected Claims 1, 3, 6-11, 13, 16-22 as being anticipated by the Owensby patent.

Claim 1

The Examiner rejected Claim 1 as being anticipated by the Owensby patent.

- 30 Addressing the requirements of anticipation, the Federal Circuit stated that, “There must be no difference between the claimed invention and the reference disclosure, as viewed

by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1576 (Fed. Cir. 1991). Furthermore, the Federal Circuit stated that “Anticipation requires that every element of the claims appear in a single reference ...” *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264 (Fed. Cir. 1991), and that “Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). In addition, the Federal Circuit stated that under 35 U.S.C. § 102, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452 (Fed. Cir. 1984).

Therefore, in order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

The Applicants respectfully submit that the Owensby patent does not teach all of the claimed limitations of Claim 1. Specifically, the Applicants assert that the Owensby patent does not teach, disclose, or suggest (1) a “client update decision sub-element.” Because the cited reference does not teach a “client update decision sub-element,” it further fails to teach (2) that the isolated candidate services serve as the basis for registering the client’s interest with a “client update decision sub-element;” and (3) that the “client update decision sub-element” provides an updated service entry of candidate services to the target service filtering sub-element.

1. The Owensby patent does not teach, disclose or suggest a “client update decision sub-element.”

Claim 1 includes the element of a “client update decision sub-element.” However, nowhere in the Office Action, nor in the Owensby patent, can be found any reference to a “client update decision sub-element.” In other words, although this element is included within the claim, the Examiner has not mentioned or otherwise addressed this element in the Office Action. The client update decision sub-element is a distinct part of the present invention and is not disclosed or otherwise provided for by the Owensby patent. Thus, the Owensby patent does not teach this limitation, as set forth in the claim.

2. The Owensby patent does not teach, disclose or suggest that “the isolated candidate services serve as the basis for registering the client’s interest with a client update decision sub-element.”

Claim 1 claims, in part, that “the isolated candidate services serve as the basis for registering the client’s interest with a client update decision sub-element.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

Regarding this limitation, the Examiner provided a citation to the Owensby patent that is inconsistent with the claimed language. The limitation and corresponding citation to the Owensby patent can be found as element 13 below.

Listed below is a table with a side-by-side comparison of Claim 1 and the corresponding rejection as provided by the Examiner. Please note that in some cases, a single element was broken into additional parts for clarity.

<u>Element No.</u>	<u>Claim 1</u>	<u>Examiner’s Rejection using Owensby</u>
1	An apparatus for providing context sensitive dynamic data via wireless networks comprising:	A system for providing messages (column 15, lines 32-54 and column 17, lines 25-54)
2	An “information source element”	a “wireless mobile terminal” (WMT 12)

	configured to provide data to a	configured to provide data
3	“data service element”	via a call signal to a “Mobile Switch Center” (18)
4	which uses the provided data to “register”	which uses (column 14, lines 10-16) the provided data to provide “access” (column 14, lines 16-38)
5	with a “directory service element”	with a “Call Management System” (CMS, 20) (See column 14, lines 16-20)
6	wherein a “client”	wherein a “subscriber”
7	subsequently requests a service from a “directory service polling subelement”	subsequently request (See column 22, lines 48-55) a service from a “Data Input/Output Storage and Retrieval System” (40)
8	which sends a lookup query to the “directory service”	which manipulates the “Call Management System” (CMS, 20) containing sub-modules (Ad Content Data (ACD, 24))
9	which, in turn provides services matching those requested by the client, to a “candidate service filtering subelement”	which, in turn provides services matching those requested by the said subscriber, to a “Historical Response Data” (28)
10	where candidate services are isolated, and are submitted to a “target service filtering subelement”	where services are isolated and submitted to an “Ad Chooser Server” (ACS, 22)
11	where “target services”	where said “targeted messages”
12	are “isolated” and provided to the client	are “chosen” from the ACD (24) (See column 16, lines 42-51) and provided to said subscriber

13	and the isolated candidate services serve as the basis for registering the client's interest with a "client update decision subelement"	and the subscriber's selected messages are based on criteria which serve as a basis for selecting the said targeted messages by the "ACS" (22) (See column 16, lines 21-51) NOTE: THE EXAMINER PREVIOUSLY ANALOGIZED THE "ACS" TO THE "TARGET SERVICE FILTERING SUBELEMENT" IN MAKING THE REJECTION WITH RESPECT TO ELEMENT 10. FURTHER, THERE IS NO MENTION BY THE EXAMINER OF A "CLIENT UPDATE DECISION SUBELEMENT." THUS, THIS ELEMENT IS NOT TAUGHT BY THE CITED REFERENCE.
14	and the client update decision subelement provides an updated service entry of candidate services to the target service filtering subelement	NOTE: THE EXAMINER DID NOT PROVIDE ANY LANGUAGE IN THE REJECTION WITH RESPECT TO THIS ELEMENT
15	and the "directory service update decision subelement"	and a "Candidate Discriminator Module" (21)
16	provides an updated service entry to the directory service.	provides an updated service entry of subscriber's services to a Ad Target Data Module (ATD, 25) (See column 18, lines 43-57)
17		wherein the targeted messages are transmitted only to targeted subscribers via the CMS (20) (See column 18, lines 33-67 and column 19, lines 1-18)

In rejecting this element (i.e., element 13), the Examiner stated that "the subscriber's selected messages are based on criteria which serve as a basis for selecting the targeted messages by the Ad Chooser Server (ACS) (22) (column 16, lines 21-51)." It should be
5 noted that in rejecting element 10, the Examiner defined the ACS and analogized it to the "target service filtering subelement." Thus, in rejecting this Element 13, the Examiner

has mistakenly equated the “target service filtering subelement” with the “client update decision subelement.”

However, the “client update decision subelement” is not the same as the “target service filtering subelement.” Each of the cited subelements are unique systems with their own claimed functions. With respect to element 13, the client’s interests are registered with the “client update decision subelement,” not the “target service filter subelement” (as claimed by the Examiner in the use of the ACS analogy). Thus, the Owensby patent does not teach this limitation, as set forth in the claim.

3. The Owensby patent does not teach, disclose or suggest that “the client update decision sub-element provides an updated service entry of candidate services to the target service filtering sub-element.”

The Applicant directs the Examiner to the table listed above. Listed as element 14 in the table above, Claim 1 claims, in part, that “the client update decision sub-element provides an updated service entry of candidate services to the target service filtering sub-element.” The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.

As noted in the table, the Examiner has not provided any corresponding rejection of this element by the Owensby patent. Further, upon a review of the Owensby patent, no such element can be found. The “client update decision sub-element” is a unique element with a unique function, in that it provides an updated service entry of candidate services to the target service filtering sub-element. This element is neither taught nor disclosed by the Owensby patent.

It should be emphasized that in order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides a single reference that teaches or enables each of the claimed elements, as arranged in the claim. As readily apparent from

the table listed above, the Owensby patent does not disclose each of the claimed elements, as arranged in the claim. Thus, the Owensby patent does not disclose (1) a “client update decision sub-element;” (2) that the isolated candidate services serve as the basis for registering the client’s interest with a “client update decision sub-
5 element;” and (3) that the “client update decision sub-element” provides an updated service entry of candidate services to the target service filtering sub-element.

For the extensive reasons set forth above, the Applicants respectfully submit that because the Owensby patent does not teach each of the claimed limitations of Claim 1, that Claim
10 1 is in allowable condition. Therefore, the Applicants respectfully request that this rejection be withdrawn.

Claim 3

Regarding Claim 3, the Applicants direct the Examiner to the comments above regarding
15 Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 3, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claims 6 and 16

20 Regarding Claims 6 and 16, the Applicants assert that the Examiner has misinterpreted the cited prior art and failed to establish a prima facie case of anticipation.

As noted above, in order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3)
25 each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

Regarding Claims 6 and 16, the Examiner stated that the Owensby patent discloses
30 Historical Response Data (28) that provides an updated service entry of candidate services to the target service filtering sub-element even in the absence of an existing

client. The Examiner also stated that the Call Management System (CMS) (20) and the Mobile Switch Center (18) are located in a location remote from the Subscriber Profile Data (26) (referencing FIGURES 2 and 3).

5 Claims 6 and 16 claim, in part, that “wherein the updated service entry is periodically updated even in the absence of an existing client, and wherein the data service and the directory service are located in a location remote from the personal look-up agent.” **The Applicants submit that the Owensby patent does not teach, disclose, or suggest this limitation.**

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In making the rejection, the Examiner claims that the “CMS” is analogous to the “directory service” and that the “Subscriber Profile Data” is analogous to the “personal look-up agent.” The Applicants direct the Examiner to FIGURE 2 of the Owensby patent, where it clearly shows that the “Subscriber Profile Data” (26) is a component of
15 the “CMS” (20). **Thus, contrary to the Examiner’s assertion, the “CMS” (20) is NOT at a location that is remote from the “Subscriber Profile Data.”** Thus, based on the Examiner’s analogies, the Owensby patent does NOT teach “wherein the data service and the directory service are located in a location remote from the personal look-up agent.” As this element is not taught nor disclosed by the Owensby patent, the
20 Examiner has failed to set forth a prima facie case of anticipation.

Additionally, the Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 6, which depends therefrom, is also allowable. Further, the Applicants direct the Examiner to the
25 comments below regarding Claim 10. Because Claim 10 is allowable (as set forth below), the Applicants submit that Claim 16, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 7

30 Regarding Claim 7, the Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 7, which

depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 8

5 Regarding Claim 8, the Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 8, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

10 Claim 9

Regarding Claim 9, the Applicants direct the Examiner to the comments above regarding Claim 1. Because Claim 1 is allowable, the Applicants submit that Claim 9, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

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Claim 10

The Examiner rejected Claim 10 as being anticipated by the Owensby patent. The Applicants direct the Examiner to the comments above with respect to Claim 1, which includes similar limitations to that of Claim 10.

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As noted above, in order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

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For the same reasons as set forth above with respect to Claim 1, the Applicants respectfully submit that the Owensby patent does not teach all of the claimed limitations of Claim 10. Specifically, the Applicants assert that the Owensby patent does not teach, disclose, or suggest (1) a “client update decision sub-element.” Because the cited reference does not teach a “client update decision sub-element,” it

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further fails to teach (2) that the isolated candidate services serve as the basis for registering the client's interest with a "client update decision sub-element;" and (3) that the "client update decision sub-element" provides an updated service entry of candidate services to the target service filtering sub-element.

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Thus, the Applicants submit that for the reasons given above with respect to Claim 1, that Claim 10 is also patentable over the cited prior art. Therefore, the Applicants respectfully request that the Examiner withdraw this rejection and provide for timely allowance of Claim 10.

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Claim 11

Regarding Claim 11, the Applicants assert that the Examiner has misinterpreted the cited prior art and failed to establish a prima facie case of anticipation.

15 As noted above, in order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

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Claim 11 claims, in part, that "the client contact with the information source subelement, via the personal look-up agent element is substantially confined to the client update decision sub-element." As the Owensby patent does not teach or disclose a client update decision sub-element, the Applicants submit that the Owensby patent does not teach,
25 disclose, or suggest the elements of Claim 11.

Additionally, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 11, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection
30 be withdrawn.

Claim 13

Regarding Claim 14, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 13, which depends therefrom, is also allowable. Thus, the Applicants respectfully request
5 that this rejection be withdrawn.

Claim 17

Regarding Claim 17, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim
10 17, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 18

Regarding Claim 18, the Applicants direct the Examiner to the comments above
15 regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 18, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 19

20 Regarding Claim 19, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim 19, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

25 Claim 20

Regarding Claim 20, the Applicants assert that the Examiner has misinterpreted the cited prior art and failed to establish a prima facie case of anticipation.

As noted above, in order to establish a prima facie case of anticipation the Examiner must
30 set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently

and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

Claim 20 claims, in part, “the data is dynamically updated” The Examiner stated that the Owensby patent teaches this limitation in col. 17, lines 54-67 and col. 18, lines 1-10. The Applicants respectfully disagree. Col. 18, lines 4-10, states that “[t]he Ad Selection Code is then manipulated to select an appropriate advertisement for the subscriber based on the geographical location of the subscriber, the demographics and preferences of the subscriber, the advertisements previously provided to the subscriber and the data and time of the call.”

The Applicants are unaware where in the section of the Owensby patent cited by the Examiner that the “data is dynamically updated” as is claimed by Claim 20. Admittedly, an advertisement is sent based on the wireless devices location, but the Applicants submit that the Owensby patent does not teach, disclose or suggest “dynamically updating” the data.

Thus, the Applicants submit that Claim 20 is patentable over the cited prior art. Therefore, the Applicants respectfully request that this rejection be withdrawn.

Claim 21

Regarding Claim 21, the Applicants direct the Examiner to the comments above regarding Claim 20. Because Claim 20 is allowable, the Applicants submit that Claim 21, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 22

Regarding Claim 22, the Applicants direct the Examiner to the comments above regarding Claim 20. Because Claim 20 is allowable, the Applicants submit that Claim 22, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

- B. Claims 2, 12, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of the Sone patent.

5 Claims 2 and 12

Regarding Claims 2 and 12, the Applicants direct the Examiner to the comments above regarding Claims 1 and 10. Because Claim 1 is allowable, the Applicants submit that Claim 2, which depends therefrom, is also allowable. Further, because Claim 10 is allowable, the Applicants submit that Claim 12, which depends therefrom, is also
10 allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

Claim 14

Regarding Claim 14, the Applicants direct the Examiner to the comments above regarding Claim 10. Because Claim 10 is allowable, the Applicants submit that Claim
15 14, which depends therefrom, is also allowable. Thus, the Applicants respectfully request that this rejection be withdrawn.

- C. Claims 5 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Owensby patent in view of the Shojima patent.

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Claims 5 and 15

The Examiner rejected Claims 5 and 15 as being obvious over the Owensby patent in view of the Shojima patent. However, the Applicants assert that the Examiner has misinterpreted the cited prior art and failed to set forth a prima facie case of obviousness
25 with respect to Claims 5 and 15.

In order to present a prima facie case of obviousness, the Examiner must provide (1) one or more references (2) that were available to the inventor and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of
30 which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Regarding Claims 5 and 15, the Examiner stated that the Owensby patent discloses “a method for providing messages, which reads on the claimed ‘context sensitive dynamic data,’ to a wireless terminal (12), which reads on the claimed ‘client,’ where the wireless
5 terminal (12) is able to receive the message to be relayed to the user.”

The Applicants direct the Examiner to page 5, section 1 of the Office Action (and the table provided above), where (in rejecting Claim 1) the Examiner claimed that the “wireless terminal” (i.e., “WMT”) is analogous to the “information source element.” The
10 Examiner further analogized the “subscriber” with the “client” (see page 6, line 3 of the Office Action). Now, with respect to the rejections of Claims 5 and 15, the Examiner asserted that the “wireless terminal (12)...reads on the claimed ‘client.’” Thus, the Examiner used the “WMT” interchangeably with both the “client” AND the “information source.” With respect to the present invention, the “information source” is NOT the same
15 thing as the “client.” **The Examiner cannot make one analogy with respect to one rejection and thereafter alter its meaning entirely in making another analogy for another rejection.**

With respect to the rejection of Claims 5 and 15, and because the claims depend from
20 Claims 1 and 10, respectively, the Examiner has presented a combination using inconsistent meanings (that the “WMT” is BOTH the “client” and the “information source.”) The present invention delineates the “client” from the “information source.” Therefore, the combination of the Owensby patent with the Shojima patent (according to the Examiner) does not teach each element of the claimed subject matter.

25 Additionally, the Applicants refer the Examiner to the comments above regarding Claims 1 and 10. As neither of the inventions of the Owensby patent and the Shojima patent (either alone or in combination) teach all of the claimed limitations in Claims 1 and 10, the Applicants believe that Claims 5 and 15, which depend therefrom, are also allowable.
30 Thus, the Applicants respectfully request that this rejection be withdrawn.

D. Claim 4 was not addressed anywhere in the Office Action.

The Applicants direct the Examiner to the Office Action. **While Claim 4 is a pending claim, the Office Action makes no reference to Claim 4. Thus, the Applicants respectfully request that the Examiner address Claim 4 or otherwise provide for**
5 **timely allowance of the claim.**

CONCLUSION

The Applicants respectfully submit that in light of the above amendment/remarks, all claims are now in allowable condition. The Applicants thus respectfully request timely allowance of all of the pending claims.

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Any claim amendments that are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those skilled in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

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Further, it should be noted that amendment(s) to any claim is intended to comply with the requirements of the Office Action in order to elicit an early allowance, and is not intended to prejudice Applicants' rights or in any way to create an estoppel preventing Applicants from arguing allowability of the originally filed claim in further off-spring applications.

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In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicants or Applicants' representative would be beneficial, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

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The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to the attached credit card form. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due

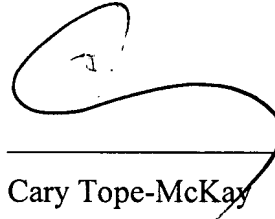
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in connection therewith may be charged to deposit account no. 50-2738 if a credit card form has not been included with this correspondence, or if the credit card could not be charged.

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Respectfully submitted,



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